

**U.S. Pat. Appl. Ser. No. 10/581,728
Attorney Docket No. 10191/4326
Reply to Office Action of April 20, 2010**

REMARKS

With the addition of new claims 17 to 21 and the cancellation herein without prejudice of claim 9, claims 10 to 21 are currently pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants note with appreciation the acknowledgement of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper, and cited references.

The drawings were objected to as failing to show all of the claimed features. However, under 37 C.F.R. § 1.81(a) -- to which § 1.83(a) is subject -- an applicant is only “required to furnish a drawing of [the] invention where necessary for the understanding of the subject matter sought to be patented.” It is respectfully submitted that those features of the claims which the present Office Action asserts are not illustrated in the originally filed drawings are fully described by the specification, particularly in view of the originally filed drawings, and would be understood by a person having ordinary skill in the art, so that further drawings of those aspects are not necessary. Moreover, the features of the claims are clearly described with respect to the detailed flowchart of figure 2 and the schematics of figures 3 and 4, and the corresponding description. Moreover, the specification clearly describes use of the control system formed by components 4 and 5, to further implements the flowchart of figure 2.

Nevertheless, to facilitate matters, figure 1 has been amended herein to more clearly refer to the application of the preparatory brake pressure by the control unit, the method for which is still further described with respect to the flowchart of figure 2.

Figure 1 was further objected to for assertedly illustrating only prior art, without a proper legend designating the figure as such. The figure has been updated to include features of the present invention, thereby rendering moot this ground for objection.

Figure 1 was further objected to for omission of reference numerals 2 and 3. The figure has been amended to include those reference numerals, thereby rendering moot this ground for objection.

U.S. Pat. Appl. Ser. No. 10/581,728
Attorney Docket No. 10191/4326
Reply to Office Action of April 20, 2010

For all of the foregoing reasons, withdrawal of the present objection is therefore respectfully requested.

Applicants thank the Examiner for indicating that claims 10 to 12 and 15 include allowable subject matter. In this regard, the Examiner will note that each of claims 10 (from which claims 11 and 12 ultimately depend) and 15 has been rewritten herein in independent form and to include the subject matter of its respective base claim and any intervening claim.

While Applicants do not agree with the merits of the rejections of claims 9, 13, 14, and 16,¹ nevertheless to facilitate matters, claim 9 has been canceled, claim 13 has been amended herein without prejudice so that claims 13 and 14 ultimately depend from claim 10, and claim 16 has been amended herein without prejudice to include subject matter analogous to that of claim 10, thereby rendering moot the remaining claim rejections.

Accordingly, all of claims 10 to 16 are in condition for immediate allowance.

New claims 17 to 21 have been added. Claims 17 to 21 do not add new matter and are supported by the present application, including specification, as originally filed.

Claims 17 to 20 ultimately depend from claim 16 and are therefore allowable for at least the same reasons as claim 16. Claim 21 includes subject matter analogous to that of claim 15 and is therefore allowable for at least essentially the same reasons as claim 15.

Applicants reserve the right to pursue the subject matter of the claims as previously presented in a continuation patent application. Further, any disclaimer that may have occurred during the prosecution of this application is expressly rescinded as regards any subsequently filed patent application.

¹ For example, the Office Action asserts that figure 1 as originally filed disclosed all of the features of the independent claims as previously presented, although the figure clearly did not show the feature of building up a preparatory brake pressure, as provided for in the claims.

**U.S. Pat. Appl. Ser. No. 10/581,728
Attorney Docket No. 10191/4326
Reply to Office Action of April 20, 2010**

Conclusion

In view of the foregoing, it is respectfully submitted that all of pending claims 10 to 21 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

Dated: July 7, 2010
By /Aaron Grunberger/
Aaron Grunberger (Reg. No. 59,210) for:
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646